

1 PHILLIP A. TALBERT  
2 United States Attorney  
3 STEPHANIE M. STOKMAN  
4 Assistant United States Attorney  
5 2500 Tulare Street, Suite 4401  
6 Fresno, CA 93721  
7 Telephone: (559) 497-4000  
8 Facsimile: (559) 497-4099  
9  
10 Attorneys for Plaintiff  
11 United States of America  
12  
13

14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,  
17 Plaintiff,  
18 v.  
19 VICTOR HERNANDEZ PENA, AND  
20 IGNACIO SATURNINO DIAZ MIGUEL,  
21 Defendants.

22 CASE NO. 1:21-CR-00090-JLT  
23 STIPULATION REGARDING EXCLUDABLE  
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
25 FINDINGS AND ORDER  
26 DATE: April 9, 2024  
27 COURT: Hon. Jennifer L. Thurston  
28

16 STIPULATION

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
18 through defendant's counsel of record, hereby stipulate as follows:

19 1. By previous order, this matter was set for jury trial on April 9, 2024.

20 2. By this stipulation, the parties now move to continue the trial until July 30, 2024, and to  
21 exclude time between April 9, 2024, and July 30, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local  
22 Code T4].

23 3. The parties agree and stipulate, and request that the Court find the following:

24 a) The government has represented that the discovery associated with this case  
25 includes reports, laboratory reports, wiretap data, and other related items. All of this discovery  
26 has been either produced directly to counsel and/or made available for inspection and copying.

27 b) Plea agreements have been extended by the government, and the parties are in  
28

discussions about potential resolutions.

c) Counsel for defendant desires additional time to consult with his/her client, to review the current charges, to conduct investigation related to the charges, to review and copy discovery, to discuss potential resolutions with his/her client, and to otherwise prepare for trial.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of April 9, 2024 to July 30, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: March 4, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

1 Dated: March 4, 2024

/s/ NICHOLAS REYES

2 NICHOLAS REYES

3 Counsel for Defendant

4 VICTOR HERNANDEZ PENA

5 Dated: March 4, 2024

/s/ REED GRANTHAM

6 REED GRANTHAM

7 Counsel for Defendant

8 IGNACIO SATURNINO DIAZ

9 MIGUEL

10 **[PROPOSED] FINDINGS AND ORDER**

11 IT IS SO FOUND.

12 IT IS SO ORDERED.

13 Dated: March 5, 2024

  
14 Jennifer L. Thurston  
15 UNITED STATES DISTRICT JUDGE